

THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAN ROUVEN FUECHTENER,

Defendant.

2:16-cr-00100-GMN-CWH-1

DATE: March 9, 2018

Courtroom 7D

THE HONORABLE GLORIA M. NAVARRO, CHIEF UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: Aaron Blazevich

COURT RECORDER: Araceli Bareng

COUNSEL FOR PLAINTIFF: Elham Roohani with Lisa Cartier-Giroux with FBI Special Agent Mari Panovich

COUNSEL FOR DEFENDANT: Karen Connolly

MINUTES OF PROCEEDINGS: Evidentiary Hearing (Day 1)

9:07 a.m. The Court convenes. Defendant is present in custody without restraints. Ms. Roohani requests the Court appoint attorney Tom Ericsson for witness **BRET HUMPHRIES**. The Court appoints Tom Ericsson, or if he is unavailable, the next available attorney on the CJA panel. Ms. Connolly moves for admission of **EXHIBITS A & B** and the Government stipulates to the admission. **EXHIBITS A & B are ADMITTED into evidence.**

9:15 a.m. **JESS MARCHESE**, called on behalf of the Defendant, is sworn and testifies on direct examination by Ms. Connolly. **EXHIBIT C & D are ADMITTED into evidence. EXHIBIT E is marked but not admitted into evidence.**

The Court informs the parties that attorney Dustin Marcello is available to represent witness **BRET HUMPHRIES** for today's hearing. Mr. Marcello accepts the case. Mr. Marcello will contact Mr. Ericsson as the testimony in this case could affect Mr. Humphries' pending federal case.

10:39 a.m. The Court stands at recess for a morning break.

11:09 a.m. **JESS MARCHESE**, called on behalf of the Defendant and previously sworn, continues testifying on direct examination by Ms. Connolly. Ms. Roohani conducts cross examination. Ms. Connolly withdraws Mr. Fuechtener's claim of actual innocence. Ms. Connolly conducts redirect examination. Ms. Roohani conducts recross examination. Ms. Connolly conducts further redirect examination. Ms. Roohani conducts further recross examination. Ms. Connolly conducts further redirect examination. **EXHIBIT F is ADMITTED into evidence.** The witness is excused.

12:43 p.m. The Court stands at recess for lunch.

1:42 p.m. The Court reconvenes. **MICHAEL SANFT**, called on behalf of the Defendant, is sworn and testifies on direct examination by Ms. Connolly. Ms. Cartier-Giroux conducts cross examination. Ms. Connolly conducts redirect examination. Ms. Cartier-Giroux conducts recross examination. Ms. Connolly conducts further redirect examination. The witness is excused.

IT IS ORDERED that the Writ of Habeas Corpus ad Testificandum is continued to Tuesday, March 20, 2018, at 1:00 p.m. to allow witness **BRET HUMPHRIES** to testify. **IT IS FURTHER ORDERED** that witness **BRET HUMPHRIES** is to be housed separately from Defendant Jan Rouven Fuechtener until after the evidentiary hearing is complete. **IT IS FURTHER ORDERED** that witness **BRET HUMPHRIES** and Defendant Jan Rouven Fuechtener shall have no contact with one another. Should one inmate be transferred to a different facility, the Court recommends Defendant Jan Rouven Fuechtener be allowed to remain at Pahrump to allow counsel to be able to prepare for the continuation of this hearing.

3:07 p.m. The Court stands at recess for an afternoon break.

3:12 p.m. **BENJAMIN NADIG**, called on behalf of the Defendant, is sworn and testifies on direct examination by Ms. Connolly. Ms. Connolly requests that **BENJAMIN NADIG** be treated as an adverse witness. The Court grants the motion. Ms. Roohani conducts cross examination.

3:58 p.m. Court adjourns. Defendant is remanded to custody.

Evidentiary Hearing continued to Tuesday, March 20, 2018, at 1:00 p.m. in Courtroom 7D before Chief Judge Gloria M. Navarro.

DEBRA K. KEMPI, CLERK
U.S. DISTRICT COURT

BY: _____ /S/
Aaron Blazevich, Deputy Clerk